

**TWENTY-SECOND DAY**

(Thursday, February 20, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

A quorum was announced present.

Pending the roll call, Senator Aikin occupied the Chair temporarily.

(President in the chair.)

Reverend J. E. Chester, Chaplain, offered the invocation.

**Leave of Absence Granted**

Senator Kelley of Hidalgo was granted leave of absence for today on account of important business on motion of Senator Crawford.

**Senate Concurrent Resolution 11**

The President laid before the Senate for consideration at this time:

S. C. R. No. 11, Providing that cost of Inaugural Ceremonies be paid out of contingent expense fund.

On motion of Senator Cousins, and by unanimous consent, the resolution was considered immediately and was adopted.

**Reports of Standing Committees**

Senator Morris submitted the following report:

Austin, Texas,  
February 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Highways and Motor Traffic, to whom was referred Senate Bill No. 172, instructs me to report it back to the Senate

with the recommendation that it do not pass, but that the Committee Substitute for S. B. No. 172 do pass in lieu thereof, and be printed.

MORRIS, Chairman.

C. S. S. B. No. 172 was read first time.

Senator Hardeman submitted the following report:

Austin, Texas,  
February 20, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 3, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman.

Senator York submitted the following reports:

Austin, Texas,  
February 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Insurance, to whom was referred Senate Bill No. 16, instructs me to report it back to the Senate with the recommendation that it do pass and be printed.

YORK, Chairman.

Austin, Texas,  
February 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Insurance, to whom was referred Senate Bill No. 14, instructs me to report it back to the Senate with the recommendation that it do pass and be printed.

YORK, Chairman.

Austin, Texas,  
February 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Insurance, to whom was referred Senate Bill No. 197, instructs me to report it back to the Senate with the recommendation that it do pass and be printed.

YORK, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,  
February 20, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Sena-

torial Districts, to whom was referred S. B. No. 1, have had the same under consideration and recommend that said bill do not pass, but that Committee Substitute, Senate Bill No. 1 attached hereto do pass in lieu thereof, and be printed.

KELLEY of Hidalgo, Chairman.

C. S. S. B. No. 1 was read first time.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senators Aikin and Morris:

S. B. No. 254, A bill to be entitled "An Act amending Acts 1932, Forty-second Legislature, Third Called Session, Page 15, Chapter 13, Section 5, as amended by Acts 1939, Forty-sixth Legislature, Page 582, Section 1; as amended by Acts 1941, Forty-seventh Legislature, First Called Session, Page 2, Chapter 2, Section 1, as amended by Acts 1943, Forty-eighth Legislature, Page 494, Chapter 324, Section 1, the same being otherwise designated as Article 6674q-6 in Vernon's Revised Civil Statutes; allocating funds from the gasoline tax and declaring an emergency."

To Committee on State Affairs.

By Senator Morris:

S. B. No. 255, A bill to be entitled "An Act amending Article 1995, Revised Civil Statutes of 1925, by adding thereto a new section fixing venue in suits for damages arising from motor vehicle collisions; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Morris:

S. B. No. 256, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission consisting of three separate tracts or parcels across Nueces Bay and the Pass connecting Nueces Bay with Corpus Christi Bay in San Patricio and Nueces Counties, lying under, along and adjacent to the proposed Causeway and its Approaches on Highway U. S. 181."

To Committee on Highways and Motor Traffic.

By Senator Bullock:

S. B. No. 257, A bill to be entitled

"An Act to amend the second section numbered '14' of Article 7047 of the Revised Civil Statutes of 1925 by changing the number thereof and reenacting same as Section 15, relating to and imposing an occupation tax on money lenders; defining same; providing for certain exceptions; and declaring an emergency."

To Committee on State Affairs.

By Senator Vick:

S. B. No. 258, A bill to be entitled "An Act to amend Section 1 of Chapter 90, page 194, Special Laws, 42nd Legislature, Regular Session, 1931, as amended by Chapter 33, page 41, Special Laws, 43rd Legislature, Regular Session, 1933, as amended by Acts 1941, 47th Leg., p. 392, ch. 224, sec. 1, and as amended by implication by conflicting provisions of Acts 1945, 49th Leg., ch. 9, p. 13, and Acts 1943, 48th Leg., p. 24, ch. 21, and Acts 1941, 47th Leg., ch. 353, p. 559 as amended by Acts 1945, 49th Leg., ch. 121, p. 166, so as to include McLennan County in the provisions of said law; repealing all laws or parts thereof in conflict with this act except Acts 1943, 48th Leg., p. 203, ch. 123, Acts 1943, 48th Leg., p. 5, ch. 6, Acts 1941, 47th Leg., p. 668, ch. 410, Acts 1939, 46th Leg., Spec. L., p. 793, ch. 44; and declaring an emergency."

To Committee on Game and Fish.

By Senator Vick:

S. B. No. 259, A bill to be entitled "An Act regulating the taking of minnows in McLennan County; providing a penalty for violation of this act; repealing conflicting laws and declaring an emergency."

To Committee on Game and Fish.

By Senator Lane:

S. B. No. 260, A bill to be entitled "An Act amending Section 26 of House Bill No. 599, Chapter 86, page 161, Acts of Regular Session 45th Legislature, 1937; providing a saving clause, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Proffer:

S. B. No. 261, A bill to be entitled "An Act providing for a more efficient public school system in Texas and equalizing educational opportunities;

providing for the equalization of funds; making an appropriation of Twenty-three Million Dollars (\$23,000,000.00) for each year of the biennium ending August 31, 1949; allocating the funds so appropriated; providing for the administration thereof by the State Superintendent of Public Instruction, the Legislative Accountant, the Department of Education, the Director of Equalization; creating a Joint Legislative Committee; defining its powers and duties; providing for the appointment of a Legislative Accountant and providing for his powers and duties; providing that in the event the Joint Legislative Committee fails or refuses to perform duties herein imposed, same shall be performed by the State Board of Education; defining what schools and school districts may receive aid with certain exceptions thereto; defining budgetary need; providing for a system of transporting scholastics to and from schools under certain conditions and limitations with reasonable exceptions thereto; providing for the method and manner of paying therefor; providing for the payment of high school and elementary tuition and designating who and what schools may receive same with certain exceptions and limitations; providing for application for aid; providing for the duties of County Boards of Trustees; County Superintendents and Boards of Trustees; providing for the function of Deputy State Superintendents; providing for the scholastic population of school districts; providing for the levy of a tax; providing for salary aid, providing for a salary schedule and length of term; providing for transportation aid; providing for the transfer under certain circumstances of a school's scholastic enrollment for one year to an accredited school of higher rank; providing for disbursement; providing how counties with no governing school board may function in order to receive aid under this Act; providing for allowances to school districts suffering loss sustained by reason of the location in said districts of Federal owned lands or University owned lands; providing for penalties for violation of this Act; providing for the repeal of all laws in conflict with this Act; and containing a saving clause; and declaring an emergency."

To Committee on Finance.

By Senator York:

S. B. No. 262, A bill to be entitled "An Act to amend Chapter 101 of the Acts of the 42nd Legislature, as amended by the Acts of 1941, 47th Legislature, Page 1346, Chapter 610, Section 1, and as further amended by the Acts of 1943, 48th Legislature, Page 604, Chapter 349, Section 1, and as further amended by the Acts of 1943, 48th Legislature, Page 602, Chapter 347, Section 1; and declaring an emergency."

To Committee on Insurance.

By Senator York:

S. B. No. 263, A bill to be entitled "An Act providing that no person shall wilfully, or by force or threat, hinder, hamper, delay or interfere with in any manner the prompt payment of any valid claim on a policy of life insurance issued by any life insurance company doing business in this State; providing that no person shall wilfully, or by force or threat, hinder, hamper, delay or interfere with in any manner the payment or collection of a premium on a life insurance policy when such premium shall be due or payable; providing for a penalty for the violation thereof; providing for a savings clause; and declaring an emergency."

To Committee on Insurance.

By Senator Stanford:

S. B. No. 264, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1947; supplementing the salaries designated and/or provided for in House Bills Nos. 804 and 309, and Senate Bills Nos. 38 and 67, Acts of the Regular Session of the 49th Legislature, and Senate Bill No. 133, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

To Committee on Finance.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 20, 1947.  
Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 63, A bill to be entitled "An Act creating a special fund to be known as the Police Officers' Pension System etc., and declaring an emergency."

H. B. No. 29, A bill to be entitled "An Act establishing a pension system for employees of cities and towns of this State; authorizing municipalities and their employees to voluntarily participate therein; providing that the Legislature shall never make any appropriation to pay any of the cost thereof etc., and making this effective immediately."

H. B. No. 57, A bill to be entitled "An Act amending Chapter 88, Section 1, Acts 1929 of the 41st Legislature, Second Called Session, as amended by Section 1, Chapter 23, Acts 1929 of the 41st Legislature, Fifth Called Session, as amended by Section 1, Chapter 110, Acts 1941 of the 47th Legislature to define Street or Suburban Bus; amending Section 5 of Chapter 88, Acts 1929 of the 41st Legislature, Second Called Session to establish the Annual license fee for the registration of a Street or Suburban Bus; providing a savings clause; and repealing all laws in conflict herewith."

H. B. No. 35, A bill to be entitled "An Act authorizing the governing boards of public Junior Colleges organized, created and established under the laws of Texas, in any manner, to issue bonds for construction of buildings, equipment, etc., and declaring an emergency."

H. B. No. 48, A bill to be entitled "An Act to validate the organization and creation of all school districts, including any independent school district controlled by a municipality and including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by general or special law, or by vote of the people residing in any

such districts etc., and declaring an emergency."

H. C. R. No. 33, Instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 231.

S. B. No. 155, Appropriating moneys out of the General Revenue Fund, not otherwise appropriated, to the Veterans' State Service Office for the purpose of supplementing the appropriations and increasing the personnel made by Senate Bill No. 317, Acts of the Regular Session of the 49th Legislature, for the term beginning with the effective date of this Act and ending August 31, 1947; and declaring an emergency.

H. B. No. 365, Making appropriation for the Texas Forest Service of the Agricultural and Mechanical College of Texas for the balance of the fiscal year beginning the 25th day of February, 1947, and ending August 31, 1947, being an appropriation available immediately; and declaring an emergency.

H. B. No. 292, A bill to be entitled "An Act to amend Title 14 of the Revised Civil Statutes by adding thereto Article 307B, providing that law licenses shall be granted without requirements of passage of the State Bar Examination as to any subject or subjects which the candidate has satisfactorily passed prior to entering the Military Service of the United States in certain Law Schools etc., with engrossed rider."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

#### Senate Resolution 32 Referred

Senator Phillips moved to suspend the regular order of business to take up for consideration at this time:

S. R. No. 32, Urging the members of the Congress of the United States to make available to the Social Security Administration certain funds to the Texas Unemployment Compensation Commission.

The motion prevailed by the following vote:

Yeas—22

Brown  
Bullock

Chadick  
Cousins

Crawford	Phillips
Hazlewood	Proffer
Jones	Ramsey
Kelly of Tarrant	Stewart
Knight	Strauss
Lane	Taylor
Moffett	Tynan
Morris	Vick
Parrish	York

Nays—5

Aikin	Harris
Carney	Winfield
Hardeman	

Absent

Stanford	Weinert
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Absent—Excused

Kelley of Hidalgo Mauritz

The President then laid the resolution before the Senate for consideration at this time (the resolution having been read and placed on the President's table on Monday, February 17, 1947).

Senator Taylor moved to refer the resolution to the Committee on Federal Relations.

Senator Phillips moved to table the motion to refer.

Question first recurring on the motion of Senator Phillips, it was lost.

Question next recurring on the motion of Senator Taylor, to refer the resolution, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—17

Aikin	Lane
Brown	Morris
Carney	Ramsey
Chadick	Taylor
Cousins	Tynan
Crawford	Vick
Hardeman	Weinert
Harris	Winfield
Hazlewood	

Nays—10

Bullock	Phillips
Jones	Proffer
Kelly of Tarrant	Stewart
Knight	Strauss
Parrish	York

Absent

Moffett	Stanford
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Absent—Excused

Kelley of Hidalgo Mauritz

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 20, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

S. C. R. No. 13, Granting Edna Ruth Sargent permission to sue the State.

S. B. No. 23, Validating the consolidation of certain common and independent school districts where a majority of the qualified voters of each of the affected districts approved such consolidation at an election held for such purpose; etc.

H. C. R. No. 35, Granting each House permission to adjourn from Thursday, February 20, 1947 to Monday, February 24, 1947.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

## House Concurrent Resolution 33

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 33, Instructing the Enrolling Clerk to make certain changes in H. B. No. 231.

The resolution was read and was adopted.

## Senate Bill 123 on Second Reading

Senator Morris moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 123 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Winfield
Knight	York
Lane	

## Nays—2

Kelly of Tarrant Vick

Absent

Taylor Weinert

Absent—Excused

Kelley of Hidalgo Mauritz

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 123, A bill to be entitled "An Act amending Senate Bill 38, Acts of the 49th Legislature, Chapter 369, page 668, and providing an appropriation covering administration and special services for special education for exceptional children as defined therein for the biennium ending August 31, 1949, and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 123 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 123 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelly of Tarrant	Winfield
Knight	York
Lane	

Absent

Taylor Weinert

Absent—Excused

Kelley of Hidalgo Mauritz

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## House Bills on First Reading

The following bills received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 57, to Committee on Highways and Motor Traffic.

H. B. No. 63, to Committee on State Affairs.

H. B. No. 292, to Committee on State Affairs.

H. B. No. 365, to Committee on Finance.

H. B. No. 48, to Committee on Civil Jurisprudence.

H. B. No. 35, to Committee on State Affairs.

H. B. No. 29, to Committee on State Affairs.

## Senate Joint Resolution 4 on Third Reading

The President laid before the Senate on its third reading and final passage:

S. J. R. No. 4, Proposing an amendment to Article VII of the Constitution of the State of Texas by the addition of two new sections to be known as Sections 17 and 18, providing a method of payment for the construction and equipment of buildings and other permanent improvements at state institutions of higher learning; providing for an election and the issuance of proclamation therefor.

The resolution was read third time and was passed by the following vote:

## Yeas—26

Aikin	Moffett
Brown	Morris
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

## Nays—2

Bullock Parrish

Absent

Taylor

Absent—Excused

Kelley of Hidalgo Mauritz

**Motion to Take Up Senate Bill 18**

Senator Vick moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 18 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

**Yeas—24**

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Tynan
Hazlewood	Vick
Jones	Weinert
Knight	Winfield

**Nays—4**

Lane	Taylor
Ramsey	York

**Absent**

Kelly of Tarrant

**Absent—Excused**

Kelley of Hidalgo Mauritz

**Senate Bill 140 on Second Reading**

Senator Stewart moved to suspend the regular order of business to take up Senate Bill No. 140 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—25**

Brown	Morris
Bullock	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

**Nays—4**

Aikin	Ramsey
Carney	Vick

**Absent—Excused**

Kelley of Hidalgo Mauritz

The President then laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 140, A bill to be entitled "An Act providing for the establishment, support, maintenance, and direction of a University of the first class for the instruction and training of the colored people of this State in all courses of instruction taught at the University of Texas and its branches to be known as 'The Texas State University for Negroes' and to be located at Houston, Harris County; and providing for an Agricultural and Mechanical College for colored students to be known as 'The Prairie View Agricultural and Mechanical College' as 'same is now located at Prairie View, Waller County; making an appropriation, and declaring an emergency."

The bill was read second time.

Senator Stewart offered the following amendments to the resolution:

**(1)**

Amend Senate Bill No. 140 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. The Legislature of Texas deems it impracticable to establish and maintain a College or Branch of the University of Texas for the instruction of the colored youths of this State without the levy of taxes and the use of the general revenue for the establishment, maintenance and erection of buildings as would be required by Section 14 of Article VII of the Constitution of Texas if such institution were established as a College or Branch of the University of Texas. Further, the Legislature of Texas deems that establishment of a negro university with such limitations as to funds and operation would be unfair and wholly inadequate for the purpose of providing an equivalent university of the first class for negroes of this State. Therefore, it is the purpose of this Act to establish an entirely separate and equivalent university of the first class for negroes with full rights to the use of tax money and the general revenue fund for establishment, maintenance, erection of buildings and operation of such institution as provided in Section 48, Article III of the Constitution of the State of Texas.

Sec. 2. That there is hereby estab-

lished a University of the First class to be styled "The Texas State University for Negroes" to be located at Houston, Harris County, Texas, for the instruction and training of the colored people of this State in all courses of higher learning, including, but without limitation, arts and sciences, literature, law, medicine, pharmacy, dentistry, journalism, and other professional courses, all of which courses shall be equivalent to those offered at The University of Texas or any of its branches. Upon demand being made by any qualified applicant for any present or future course of instruction offered at the University of Texas or any of its branches, such course shall be established or added to the curriculum of the Texas State University for Negroes in order that at all times the separate university for negroes shall offer equal educational opportunities and training as that available to other persons of this State.

Sec. 3. The government of the Texas State University for Negroes is hereby vested in a Board of Directors to be composed of nine (9) persons and to consist of both white and negro citizens of this State. They shall elect a chairman and vice-chairman from their number, who shall serve at the pleasure of the Board, and the Board shall appoint a secretary. The State Treasurer shall be the treasurer of said institution. The Board shall have the right to make and use a common seal and may alter the same at pleasure. Each member of the Board shall be a qualified voter of this State, and shall be selected from different portions of the State. One-third of the membership of such Board shall be biennially nominated by the Governor and appointed by and with the advice and consent of the Senate, and shall hold their offices for a term of six (6) years, respectively, except as to the first Board appointed hereunder. They shall take the official oath of office prescribed in the Constitution of Texas for public officials. Of the first Board to be appointed, the terms of three (3) members shall be for a period of two years, to expire on February 1, 1949; the term of the next three (3) members shall be for four years, to expire on February 1, 1951; and the term of the remaining three (3) members shall be for six (6) years, to expire on February 1, 1953; and the respective terms of the first mem-

bers appointed hereunder shall be designated by the Governor so appointing them. After the first Board, the term of each member shall be for six (6) years from the date of the respective appointment, and the appointment shall be so made and their term arranged in such manner that three (3) of said members shall retire on the first day of February biennially, and the Governor shall fill such vacancies by the appointment of three (3) members biennially on the first day of February.

Sec. 4. The reasonable expenses incurred by the members of the Board in the discharge of their duties shall be paid from any available funds of the institution. All expenditures shall be made by order of the Board, and the same shall be paid on warrants to be issued by the Comptroller of Public Accounts of the State of Texas based on vouchers to be approved by the chairman of the Board or some other officer of the University to be designated by him in writing to the Comptroller, and to be countersigned by the secretary of the Board or by some other officer of the University to be designated by said secretary in writing to the Comptroller.

Sec. 5. The Directors are hereby given the power and authority to select a site for the location of said University at the City of Houston, and are given the power, for and in behalf of the State, to acquire, take, appropriate, hold, and enjoy the title to such land and other property as they may deem necessary for this purpose, either by purchase or otherwise, and to that end they shall have the right to exercise the power of eminent domain and to condemn such land for such uses and purposes, in the manner prescribed in Title 52, Revised Civil Statutes of Texas of 1925, as amended, and the taking of such property is hereby declared to be for the use of the State, and said Directors shall not be required to deposit a bond or the amount equal to the award of damages by the commissioner as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas of 1925; provided that before exercising the power of eminent domain hereunder said Board shall, by order of resolution duly passed and entered on its minutes, define and describe the land needed for this purpose.

Sec. 6. As soon as a site for the location of said University is deter-



ined upon and acquired, it shall be the duty of the Directors to proceed with the construction of all necessary buildings and other permanent improvements thereon. For this purpose it shall procure the services of a competent architect or architects, who shall make necessary plans and designs for such buildings and other permanent improvements and shall superintend the construction thereof. After such plans and specifications of such buildings and improvements have been adopted, the Directors shall proceed as soon as practicable to the erection and equipping of the same. It shall be the duty of the Directors to advertise for bids for the construction of said improvements and to let contracts therefor, but they may reject any and all bids. The contracts for such construction shall be awarded to the lowest responsible bidder, who shall enter into a good and sufficient surety bond payable to and to be approved by the Directors in such sum as said Directors may determine, conditioned for the faithful compliance with and the performance of the contract. The Directors are hereby authorized and required to organize said University as soon as practicable and to take such action as may be deemed necessary in perfecting the organization of said institution as a University of the first class for the instruction and training of the colored people of this State. The Directors shall also have the authority to make proper arrangements by contract with other educational institutions, hospitals, and clinics at Houston for the use of such facilities and the services of qualified personnel as they may deem necessary and expedient for the proper training and education of students in professional courses.

Sec. 7. The Directors shall establish the several professorships, and other positions at said institution, appoint a president, appoint the professors and other officers and employees and prescribe their duties, and fix their respective salaries; and they shall enact such by-laws, rules and regulations as may be deemed necessary for the successful management and government of the institution; they shall have the power, by and

with the advice of the faculty, to prescribe and regulate the course or courses of instruction to be given at said institution, and to confer such degrees and to grant such diplomas as are now or may hereafter be granted by The University of Texas or any of its branches. The Directors shall have the power to remove any professor, instructor, tutor, or other officer or employee connected with the institution when, in their judgment, the best interests and proper operation of the institution shall require it.

Sec. 8. The Directors are hereby authorized to accept, for and in behalf of the State, in connection with said University for Negroes, grants or gifts of property or money for the use of said institution from other than State sources.

Sec. 9. There is hereby appropriated out of the State Treasury from any moneys not otherwise appropriated the sum of Two Million (\$2,000,000.00) Dollars or so much thereof as may be necessary, to be expended in the acquisition of land and other property as a site for and in the establishment of the Texas State University for Negroes and for the construction, erection, acquisition, and equipping of buildings and other permanent improvements. There is further appropriated the sum of Five Hundred Thousand (\$500,000.00) Dollars or so much thereof as may be necessary, for the support, operation, and maintenance of such institution, including the payment of salaries of its officers and employees, for each of the fiscal years of the biennium ending August 31, 1949.

Sec. 10. In the interim between the effective date of this Act and the organization, establishment and operation of the Texas State University for Negroes at Houston, upon demand heretofore or hereafter made by any qualified applicant for instruction in any course except law offered at the University of Texas or any of its branches, the Board of Directors of the Agricultural and Mechanical College of Texas, acting as the governing board of Prairie View University, is authorized and required to provide forthwith such instruction

through courses equivalent to the same instruction being offered at the University of Texas or any of its branches.

There is hereby appropriated, as an emergency appropriation, the sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars, or so much thereof as may be necessary, to be expended by the Board of Directors of the Agricultural and Mechanical College of Texas in order to make immediately available the facilities and personnel necessary to carry out the requirements of this section and the requirements heretofore made by Chapter 308 (Senate Bill No. 228), Acts of the Regular Session of the Forty-ninth Legislature, insofar as such last mentioned act is not in conflict with the provisions of this act. The total of such emergency appropriation is for the remainder of the fiscal year ending August 31, 1947, and for the fiscal year ending August 31, 1948.

At the end of the first term or semester of any course offered hereunder after the organization and establishment of the Texas State University for Negroes and the equivalent organization and establishment of such courses of instruction therein as may be offered during the interim at Prairie View University in accordance with the provisions of this Act and the above mentioned provisions of Chapter 308 (Senate Bill No. 228) of the Forty-ninth Legislature, the direction, conduct, operations, location and property purchased hereunder and the unexpended balance of this appropriation for such courses shall be transferred to The Texas State University for Negroes, and its Board of Directors shall thenceforth continue such course as a part of the curriculum of such University and discharge all responsibility therefor.

After transfer of all of the courses of instruction offered hereunder during the interim at Prairie View University, the said Prairie View University shall be known and designated as "The Prairie View Agricultural and Mechanical College of Texas" and shall be operated as an institution of higher learning in the instruction, training and teaching of the colored people of this State in agricultural, mechanical arts, and other allied arts and sciences connected therewith, and shall be and remain under the con-

trol and supervision of the Board of Directors of the Agricultural and Mechanical College of Texas for said purposes, and said Board shall in all respects have the same powers and perform the same duties in reference to this College as those conferred upon it by statute for the government of the Agricultural and Mechanical College of Texas. Upon demand therefor by a qualified applicant it shall provide any course of instruction equivalent to that offered at the Agricultural and Mechanical College of Texas, and not so offered by The Texas State University for Negroes.

Sec. 11. In the interim between the effective date of this Act and the organization, establishment and operation of the Texas State University for Negroes at Houston, upon demand heretofore or hereafter made by any qualified applicant for instruction in law at the University of Texas, the Board of Regents of The University of Texas is authorized and required to forthwith organize and establish a separate school of law at Austin for negroes to be known as the "School of Law of The Texas State University for Negroes" and therein provide instruction in law equivalent to the same instruction being offered in law at the University of Texas. The Board of Regents of the University of Texas shall act as the governing board of such separate law school until such time as it is transferred to the control of the Board of Directors of The Texas State University for Negroes.

There is hereby appropriated, as an emergency appropriation, the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, to be expended by the Board of Regents of the University of Texas in order to establish and operate the separate law school. The total of such emergency appropriation is for the remainder of the fiscal year ending August 31, 1947, and for the fiscal year ending August 31, 1948, or for such lesser time as the school is operated prior to the transfer hereinafter provided for. Students of the interim School of Law of The Texas State University for Negroes shall have use of the State Law Library in the Capitol Building in addition to other special library facilities which shall be made available, but the entire school shall be

operated separately and apart from the campus of the University of Texas as provided in the Texas constitutional requirement of separate schools for white and colored youths.

At the end of the first term or semester of any law course offered in said school after the organization and establishment of the Texas State University for Negroes at Houston, and the equivalent organization and establishment of a law course by such University for Negroes, the direction, conduct, operation, location, the unexpended balance of this appropriation, and all property purchased for the separate school out of the appropriation hereunder, shall be transferred to the Texas State University for Negroes at Houston, and its Board of Directors shall thenceforth continue such law courses as a part of the curriculum of such University and discharge all responsibility therefor. After such transfer the separate law school for negroes shall no longer operate in Austin or as a function of the Texas University Board of Regents, it being deemed impracticable to continue such operation in Austin after establishment of an equivalent school in Houston.

Sec. 12. The term "qualified applicant" as used in this Act shall mean any colored person who meets the educational requirements for entrance to the same course or courses in the University of Texas or any of its branches. The term "colored person" has the same meaning as contained in the provisions of the Texas Constitution requiring separate schools, being the same interpretation placed thereon by the Legislature and administrative officials of this State since 1876, to wit: a negro or person of African descent.

Sec. 13. All laws or parts of laws including chapter 308 (S. B. 228) Acts of the 49th Legislature, in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 14. The fact that the people of Texas desire that the State meet its obligation of equal educational opportunities for its negro citizens from State supported institutions, and the fact that a separate and equivalent university of the first class for negroes cannot be established and maintained under the limitations and restrictions contained in Section 14, Article VII of the Constitution of Texas if such institution were made a

College or Branch of the University of Texas, and the fact that the only means of establishing an equivalent university of the first class for negroes with use of tax money and the general revenue is to create a separate university entirely independent of the University of Texas, and the fact that interim courses must be established immediately by existing schools for the education of negroes prior to the establishment and operation of said separate university of the first class for negroes, creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend S. B. No. 140 by striking out all above the enacting clause and substituting in lieu thereof the following:

A BILL  
To Be Entitled

"An Act providing for the establishment, support, maintenance and direction of a University of the first class for the instruction and training of the colored people of this State to be known as 'The Texas State University for Negroes' and to be located at Houston, Harris County; and providing for an Agricultural and Mechanical College for colored students to be known as 'The Prairie View Agricultural and Mechanical College' as same is now located at Prairie View, Waller County; providing for establishment of equivalent courses during the interim by the Agricultural and Mechanical College of Texas University governing boards; making appropriations therefor; repealing laws or parts of laws in conflict; and declaring an emergency."

Question — Shall the amendments be adopted?

Senator Moffett moved that Senate Bill No. 140 be set as a Special Order for Monday, February 24, 1947, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—26

Aikin

Brown

Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Weinert
Lane	York

Nays—2

Ramsey                      Stanford

Absent

Winfield

Absent—Excused

Kelley of Hidalgo      Mauritz

House Concurrent Resolution 35

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 35, Granting each House permission to adjourn from Thursday, February 20, 1947, until Monday, February 24, 1947.

The resolution was read and was adopted.

#### Record of Votes

Senators Phillips, Kelly of Tarrant and Strauss asked to be recorded as voting "nay" on the adoption of the resolution.

#### Bills and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 106, A bill to be entitled "An Act making an emergency appropriation for the Texas National Guard Armory Board for the balance of the fiscal year beginning the 15th day of February, 1947, and ending August 31, 1947, being an appropriation available immediately, and declaring an emergency."

S. B. No. 155, A bill to be entitled "An Act appropriating moneys out of the General Revenue Fund, not otherwise appropriated, to the Veterans' State Service Office for the pur-

pose or supplementing the appropriation and increasing the personnel made by Senate Bill No. 817, Acts of the Regular Session of the Forty-ninth Legislature, for the term beginning with the effective date of this Act and ending August 32, 1947; and declaring an emergency."

S. B. No. 23, A bill to be entitled "An Act validating the consolidation of certain common and independent school districts where a majority of the qualified voters of each of the affected districts approved such consolidation at an election held for such purpose; validating the bonds of such consolidated districts and the proceedings had authorized same after such attempted consolidation; providing such validation shall not apply to districts now in litigation; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 231, A bill to be entitled "An Act to amend Article 1970-138, being the Acts of 1917, Ch. 93, Sec. 11, as amended by the Acts of 1918, 4th C. S., Ch. 14, Sec. 4, as amended by the Acts of 1927, Ch. 191, Sec. 1, so as to provide that the salary of the Judge of the County Court at Law of El Paso County shall be Fifty-five Hundred Dollars (\$5,500.00) annually."

H. C. R. No. 8, Memorializing the Congress of the United States to enact legislation relative to claims of Americans who were internees or prisoners of war of Japan or Germany.

#### Adjournment

On motion of Senator Vick, the Senate, at 12:30 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, February 24, 1947.

#### Record of Votes

Senators Phillips, Kelly of Tarrant and Strauss asked to be recorded as voting "nay" on the motion to adjourn.

#### TWENTY-THIRD DAY

(Monday, February 24, 1947)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.